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Ontario. Legislative Assembly.
Standing Committee on the
Ombudsman.

Debates

May - June 1987

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STANDING COMMITTEE ON THE OMBUDSMAN

ORGANIZATION

WEDNESDAY, MAY 6, 1987



STANDING COMMITTEE ON THE OMBUDSMAN

CHAIRMAN: McNeil, R. K. (Elgin PC)

VICE-CHAIRMAN: Sheppard, H. N. (Northumberland PC)

Bossy, M. L. (Chatham-Kent L)

Hayes, P. (Essex North NDP)

Henderson, D. J. (Humber L)

Hennessey, M. (Fort William PC)

Mancini, R. (Essex South L)

McLean, A. K. (Simcoe East PC)

Morin, G. E., (Carleton East L)

Philip, E. T. (Etobicoke NDP)

Shymko, Y. R. (High Park-Swansea PC)

Substitutions:

Ashe, G. L. (Durham West PC) for Mr. Sheppard

Newman, B. (Windsor-Walkerville L) for Mr. Henderson

Offer, S. (Mississauga North L) for Mr. Morin

Clerk: Decker, T.

Staff:

Kerzner, T., Legal Counsel; with Perry, Farley and Onyschuk

Evans, C. A., Research Officer, Legislative Research Service

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON THE OMBUDSMAN

Wednesday, May 6, 1987

The committee met at 10:06 a.m. in committee room 1.

ORGANIZATION

Clerk of the Committee: Honourable members, it is my duty to call upon one of you to elect one of your members as chairman.

Mr. Hayes: I nominate Ronnie McNeil.

Mr. Offer: I will second that.

Clerk of the Committee: Mr. Hayes has nominated Mr. McNeil. Are there any other nominations? If none, I declare Mr. McNeil elected chairman of the committee.

Mr. Ashe: I move that the next provincial election be handled in the same way.

Mr. Philip: That is as easy as I got my nomination the other night.

Mr. Chairman: Thank you very much. The next order of business is the nomination of a vice-chairman.

Mr. McLean: I nominate Howard Sheppard.

Mr. Chairman: Are there any other nominations? I declare Howard Sheppard elected vice-chairman.

Mr. Hayes moves that, unless otherwise ordered, a transcript of the committee hearings be made.

Is there any discussion with respect to this motion? All those in favour? All those opposed?

Motion agreed to.

Mr. Chairman: Is there any other organizational business?

Now we will consider the matter relating to the Argosy Financial Group. Does the committee wish to go in camera?

Mr. Ashe: Yes.

The committee met in camera at 10:09 a.m. in committee room 1.



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STANDING COMMITTEE ON THE OMBUDSMAN

ORGANIZATION

WEDNESDAY, JUNE 3, 1987



STANDING COMMITTEE ON THE OMBUDSMAN

CHAIRMAN: McNeil, R. K. (Elgin PC)

VICE-CHAIRMAN: Sheppard, H. N. (Northumberland PC)

Bossy, M. L. (Chatham-Kent L)

Hayes, P. (Essex North NDP)

Henderson, D. J. (Humber L)

Hennessey, M. (Fort William PC)

McLean, A. K. (Simcoe East PC)

Morin, G. E., (Carleton East L)

Newman, B. (Windsor-Walkerville L)

Philip, E. T. (Etobicoke NDP)

Shymko, Y. R. (High Park-Swansea PC)

Clerk: Decker, T.

Staff:

Evans, C. A., Research Officer, Legislative Research Service

Witness:

From the Office of the Ombudsman:

Meslin, E., Executive Director

LEGISLATIVE ASSEMBLY OF ONTARIO
STANDING COMMITTEE ON THE OMBUDSMAN

Wednesday, June 3, 1987

The committee met at 10:13 a.m. in room 151.

ORGANIZATION

Mr. Chairman: We have representatives from each party. Can we start?

Mr. McLean: I have something I would like to bring up, if I may have the opportunity to do so. It refers to Simcoe Engineering, Jack Alexander, whom we dealt with at some length previously. The last instruction that came from committee was that the chairman was to write a letter to the Ministry of the Environment to indicate when an adjudicator was going to be set up in order to proceed with the recommendations from this committee.

We have dealt with it, and perhaps Mrs. Meslin can bring us up to date on anything that may be on that file. I would like to know where it stands now and I am sure Mr. Alexander is very concerned because there has not been an adjudicator appointed as yet, to my knowledge.

Mrs. Meslin: I do not recall if we got a letter from the chairman. I do not think the chairman of the committee sent the letter. Did you?

Mr. McLean: I thought we had instructed that letter to go from the chairman.

Mrs. Meslin: Yes, I think so.

Mr. McLean: The clerk was to draft it and the chairman was to sign it.

Mr. Chairman: We can check that out. We will do that.

Mr. McLean: It is quite obvious to me that they have not appointed an adjudicator. I am wondering if we are ever going to get this resolved.

Mr. Chairman: Who was to appoint the adjudicator?

Mr. McLean: The Ministry of the Environment. It was to be acceptable to Mr. Alexander, with whom we have had a lot of discussion on this matter in committee over the legal fees. It was determined at that time that Mr. Alexander would look after his own legal fees and the ministry would look after its fees. There was supposed to be an adjudicator who would look at the facts and find out whether interest was supposed to be paid or going to be paid. It was recommended by this committee that it be paid, so I would like to get it in motion.

Mr. Chairman: We will look into that, Mr. McLean.

Mr. McLean: Thank you.

Mr. Chairman: The first order of business is the establishment of a subcommittee on communications from the public.

Mr. Sheppard: We usually appoint one member from each party, do we not?

Mr. Chairman: Yes.

Mr. Sheppard: Any objections to reappointing the three who were on the committee last year?

Mr. Chairman: Last year, Ed Philip was chairman, with Gilles Morin and Yuri Shymko.

Mr. Hayes: All right.

Mr. McLean: Is Gilles Morin still on this committee?

Mr. Chairman: I think so, yes.

Mr. Bossy: Yes. He is ill.

Mr. Sheppard: Mr. Chairman, I move that those three people be put on the subcommittee, if they are willing to act. I am sure they will be willing to act on this subcommittee of the Ombudsman.

Mr. Hayes: I think we should hear from the other Liberal members, whether that is their choice.

Mr. Bossy: Yes. We have no objection to that. Mr. Morin could not be here this morning because he is ill. If need be for a vote, I can get a substitute.

Mr. Chairman: Mr. Sheppard, seconded by Mr. Hayes, moves that a subcommittee be struck to consider on the committee's behalf communications from the public and that the committee be composed of the following members: Mr. Philip, chairman, Mr. Shymko and Mr. Morin, with a quorum of three; substitution shall be permitted on written notice. All communications from the public to the committee shall be referred to the subcommittee, which shall review and respond to them, provided that all decisions by the subcommittee shall be unanimous; any matters that are not decided unanimously by the subcommittee shall be considered by the full committee. The subcommittee shall report to the committee, for consideration by it, any matters which in the subcommittee's opinion warrant the full committee's attention. The subcommittee shall, subject to direction by the committee, determine its procedures.

All in favour?

Motion agreed to.

Mr. Chairman: The second order of business is the hiring of counsel for the committee for the 1987-88 fiscal year. The clerk has circulated the reply that I have received from Mr. Land. I will just read it.

"Thank you for your letter of May 20 regarding provision of legal counsel for the standing committee on the Ombudsman. Since your committee has a continuing special need for counsel to cross-examine witnesses, I have no objection to the hiring of legal counsel not associated with the Legislative Assembly.

"Cynthia Smith, chief of the legislative research service, would be

pleased to continue to provide a legal research officer to work with your committee and its counsel, as we have been doing since 1984. If this arrangement is still satisfactory to you and your committee, Mrs. Smith recommends that Catherine Evans continue to serve in that capacity."

It is signed by Brian Land.

Mr. Bossy: I so move.

Mr. McLean: Agreed. Then will we approach Mr. Bell? Do we have to have a motion?

Mr. Chairman: You should have a motion if you are satisfied with Mr. Bell's services.

Mr. McLean: I will make that motion.

Mr. Bossy: I will second it.

Mr. Chairman: Mr. McLean moves that we appoint Mr. Bell as our legislative counsel.

I do not know what the salary will be. I imagine it will be the same as other years. We tried to get it raised last year.

Mr. McLean: I think we should be very clear. It is taxpayers' money we are spending. If we spend taxpayers' money we should get value for our dollar.

Mr. Sheppard: If there is any question about the salary, it should be brought back to the committee.

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Mr. Chairman: That is the way it will be done. Presently he is receiving \$85 an hour with a maximum of \$20,000.

Mr. McLean: How much of the \$20,000 was used up last year?

Mr. Chairman: All of it, so I am told.

Mr. Sheppard: Did we overspend our budget?

Mr. Chairman: Todd tells me were \$8,000 under. That is not bad, that is good.

Mr. Shymko: I am glad you are still here. You have not adjourned, Mr. Chairman.

Mr. McLean: We would have very shortly. You probably got a stumbling block this morning.

Mr. Shymko: If you have problems, Al, I am not responsible for that.

Mr. Chairman: Todd and I will be going before the Board of Internal Economy on Monday, June 8, at 3:30 p.m. to obtain approval for the budget which was approved by the committee at our last meeting.

Mr. Shymko: Mr. Chairman, can you just refresh our minds as to what

it was? I think we approved that in the last fleeting moments of a meeting, with not much time to even--

Mr. Chairman: I will call on the clerk who is familiar with the details.

Clerk of the Committee: The budget for this fiscal year, as approved by the committee, was in the total amount of \$52,000 and some. Included in that was the annual \$20,000 retainer fee for John Bell and other basic operating expenses for the committee, the printing of reports and other services.

Mr. Shymko: So basically it would be the same figure. Is it slightly higher than usual?

Clerk of the Committee: In fact, it is about \$5,000 lower than last year's budget.

Mr. Shymko: Last year, I think we had planned or budgeted a trip to northern Ontario which never materialized. Did we have that budgeted in the figures?

Mr. Chairman: That trip never materialized.

Mr. Shymko: Is it budgeted for the upcoming term?

Clerk of the Committee: No, I did not make any provision in the budget for travel because I was not aware of what the committee's intentions were going to be, whether they intended to travel this summer or not.

Mr. Shymko: Should our destiny, Mr. Chairman, be that we will be around this institution throughout the fall, and maybe the spring of 1988, I just wonder whether there would be some flexibility in getting additional budgeted sums of money if we should contemplate a trip to the north.

Mr. Bossy: We could always ask for a supplementary.

Mr. Chairman: I think we could make arrangements.

I understand that the estimates of the Office of the Ombudsman will be referred to our committee shortly, and the Ombudsman's report on expanded jurisdiction. Mrs. Meslin, did you want to discuss that?

Mrs. Meslin: The only thing that the Ombudsman is curious about is whether and when the committee will set hearings regarding that particular policy paper.

Mr. Chairman: I understand that the Ombudsman will be tabling its 1985-86 annual report by June 30.

Mrs. Meslin: That is correct.

Mr. Chairman: Yes. So we will have that report for discussion as well.

Mr. Shymko: Normally, we would sit in September to go through the recommendation-denied cases, etc. Perhaps the estimates of the Ombudsman could be coupled with that in September or could be done prior to the adjournment,

which is about a week and a half from now. But I would suggest that maybe we look at the estimates in the fall. I doubt there are estimates of any of the ministries that will be going before committees before the adjournment in June.

Mr. Bossy: In July, you mean.

Mr. Shymko: Is it July?

Mr. Chairman: You said adjournment. Do you mean adjournment or recess?

Mr. Shymko: Recess, pardon me. It could be adjournment. I meant recess.

Mr. Chairman: I thought you might know something.

Mr. Shymko: I would like to see a lot of recesses before final adjournment.

In regard to the Ombudsman's report on expanded jurisdiction, I understand we will be debating the whole format on public hearings and when they should be held. Just to refresh my memory, the report itself has been filed. It has been looked at and discussed, I believe, generally by our committee, very briefly.

Mrs. Meslin: No. As a matter of fact, when the committee attempted to discuss it, I think a motion was made that any discussion and any further looking into it should be set aside for the summer, and that is where we have left it.

Mr. Shymko: I guess what I meant by discussion is I know that we looked at it and some of us had made some generalities as to our personal reaction or first initial reaction to the recommendations.

If indeed we are to look seriously at a major change in the operation and the mandate of the Ombudsman's office, I wondered whether we should in the estimates or some time, maybe today, set a time and make a decision on public hearings for the fall of 1987, notwithstanding what may be happening.

Did we decide to hold these public meetings? My understanding was that we were looking seriously at holding public meetings. Were we not debating a time frame? Would it be wise to make a decision now in the light of the mystery of the unfolding of the political universe? Should we reserve our decision?

Mr. Chairman: As I understand it, the whips are meeting at noon today and a decision will be made then as to what time will be allocated to each committee.

Mr. Shymko: So there is even a possibility of summer public hearings.

Mr. Chairman: I do not know. It will be up to the committee.

Mr. Shymko: Should we be making some recommendation prior to the meeting of the whips or should we wait until they meet?

Mr. McLean: I think what we should determine is the number of weeks that we feel this committee should meet to do its business. Whether we are

going to do the estimates or look at the annual report and get into the question of the report on the expanded jurisdiction. I think we should looking at whether it is September or August and saying, "Lookit, we need three weeks for this committee to sit."

Mr. Chairman: We should be asking for that, I suppose.

Mr. McLean: We could let the whips know that this committee is requesting three weeks or a month and let them determine what it is. From that, we can determine what we are going to deal with, but you cannot determine that until you have your sitting days schedule.

Mr. Chairman: Would the committee be in favour us requesting three weeks?

Mr. Shymko: Three weeks meaning how many days?

Mrs. Meslin: I should advise the committee that at this point the recommendation-denied cases are sizeable. We are hoping certainly to be able to get rid of a number of them, but there are approximately 15 now. If anywhere near half of those came before this committee, you would need three weeks besides anything else, so I think you should keep that in mind.

In addition, because of any possibility of an election or what have you, we are prepared to come to the committee in August with recommendation-denied cases only because these people have been waiting a very long time for the committee to have an opportunity to discuss these cases. If we do not have it and we have an election call, we could be looking towards the later part of the year before a new committee is available to discuss those.

Mr. Shymko: Can I ask the executive director, would she have the recommendation-denied cases, the whole files and all the materials ready by the beginning of August or mid-August?

Mrs. Meslin: Yes, certainly.

Mr. Shymko: But not any earlier?

Mrs. Meslin: We have to table the report by June 30, which means we have all the data. Then it is a matter of our knowing when the committee wants to sit. The earliest we could have it ready is for the first week in August, but we certainly could do it for then.

Mr. Shymko: So July is out of the question to go to the recommendation-denied cases. Mr. Chairman, my understanding is that physically, because of the constraints of having material ready, at the earliest sittings could be in August, at the latest before the end of September or beginning of October, in the three weeks that you are looking at. I support my colleague's motion for three weeks.

Mr. Chairman: If we were to ask for three weeks in August or September--

Mr. McLean: It may be a month by the sound of it, from what I gathered from her information.

Mr. Chairman: Would the committee be in favour of that?

Mr. McLean: No problem.

Mr. Chairman: I can approach our whip because the whips are meeting today.

Mr. Sheppard: I would suggest that we ask for four weeks instead of three weeks with the information given to us by Mrs. Meslin. I am just wondering whether you are going to decide to sit three days a week or four days a week.

Mr. Chairman: Three days a week.

Mr. Shymko: Three days a week minimum.

Mr. Sheppard: Yes, at least three. Three is more satisfactory for out-of-town members.

Mr. Hayes: When we have all that work to do and we are talking about three weeks or a month, I think we should be sitting four days a week.

Mr. Shymko: We can read some material before we start.

Mr. Chairman: I agree with that. I will be glad to approach our whip and give him that information.

Mr. Shymko: Are we then deferring the whole question of the expanded jurisdiction in terms of making a decision on public hearings?

Mr. Sheppard: We can discuss that.

Mr. Shymko: So we are deferring?

Clerk of the Committee: They have been tabled in the House but they have not yet been referred to the committees. None of them have been referred out.

Mr. Chairman: As soon as they are referred to the committee, then we can look at them.

Mr. Shymko: Could I move that we defer the decision on the expanded jurisdiction until we find out the allocation of time? There is no point discussing it now.

Mr. Chairman: Is that satisfactory to the committee? The estimates will be referred to the committee. We could do that possibly before the end of the month but, on the other hand, we do not know.

Mr. Shymko: It takes only a day or so.

Mrs. Meslin: I will not be available.

Mr. Shymko: Then we cannot possibly meet.

Mrs. Meslin: I am just talking in relation to the estimates because I might be of some assistance to the committee in discussion our estimates.

Mr. Shymko: Would the Ombudsman be available?

Mrs. Meslin: This month, certainly.

Mr. Chairman: Is there any further business?

Mr. Shymko: Since I came late, Mr. Chairman, I wonder if you could indicate to me what happened to the first order of business.

Mr. Chairman: You are a member of that committee.

Mr. Shymko: What was the decision?

Mr. Chairman: On the subcommittee, Mr. Philip is chairman with you and Gilles Morin. We all did a terrific job of campaigning for you.

Mr. Shymko: I thank you for your confidence. Has there been a decision about instructing the committee when it should meet to finally resolve this matter?

Mr. Chairman: I guess that will be up to the committee.

Mr. Shymko: And up to the chairman of the committee.

Mr. Chairman: Right.

Mr. Shymko: Thank you.

The committee adjourned at 10:33 a.m.

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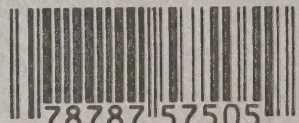


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